

REMARKS

Claims 1-35 remain pending in the application. Claims 2, 17 and 34 have been amended. Claims 26-33 and 35 are withdrawn from consideration. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicants note that the Examiner did not address the status of claim 34 in the Office Action of June 28, 2005. The Examiner indicated, on the Office Action Summary Form (PTOL-326), that claim 34 is rejected, but did not address the claim in the Office Action itself. Applicants respectfully request that the Examiner address the status of claim 34 in the next office communication. Further, if the Examiner chooses to reject claim 34 in the next office communication, Applicants submit that it would be inappropriate for the Examiner to make the rejection Final, as the claim was not addressed in this Office Action.

In the Office Action, the Examiner rejected claims 17-21 under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as failing to comply with the enablement requirement. Specifically, the Examiner asserted that claim 17 is a single means claim subject to an undue breadth rejection under 35 U.S.C. § 112, 1<sup>st</sup> paragraph. Without conceding the propriety of the rejection, Applicants have amended claim 17 to recite that the claimed receiving device includes a receiver and a restoration device. Applicants respectfully submit that claim 17, as amended, is not a single means claim, and respectfully request the Examiner to withdraw the rejection.

In the Office Action, the Examiner rejected claims 1-3, 5-8, 10-16 and 22-25 under 35 U.S.C. §102(e) as being anticipated by Hyakutake (U.S. Patent No.

6,891,859). Applicants respectfully traverse the rejection for at least the following reasons.

The present invention is directed towards a digital broadcast system. The digital broadcast system of the present invention includes, inter alia, a broadcast device that multiplexes and broadcast contents and information on the type of the contents, and a receiving device that determines whether the contents are restorable based on the information on the type of the contents before performing a restoration process on the contents. In one embodiment, the receiving device changes the restoration process according to the determination. In another embodiment, the receiving device does not perform a restoration process on the contents when the contents are determined not to be restorable.

In another embodiment, the broadcast device also multiplexes and broadcasts information on a location where a program for restoring the contents is to be acquired. In this embodiment, if the receiving device determines that the contents are not restorable, it acquires the program based on the acquisition location information and performs the restoration process on the contents based upon the program.

Hyakutake is directed towards an information transmission apparatus. Hyakutake discloses, in col. 17, lines 38-47, for example, that content information and information regarding timing for displaying the content information on a display device is multiplexed in a broadcast signal, transmitted, received, and extracted, and that the content information is displayed on the display device based upon the timing information. However, Applicants respectfully submit that Hyakutake fails to disclose that the information regarding timing, or any other information for that matter, is used by

a receiving device to determine whether the content information is restorable before performing a restoration process on the content information. Hyakutake also fails to disclose that a restoration process is changed according to such a determination, or that a restoration process is not performed when the contents are determined not to be restorable.

In the Office Action, the Examiner cites approximately five pages of Hyakutake's specification to support the rejection, but does not specifically point out what features he believes corresponds to Applicants claimed "information on the type of contents". If the Examiner chooses to maintain the rejection, Applicants respectfully request that he clearly point out the specific part of Hyakutake's disclosure which he is relying on to support the rejection.

In view of the above, Applicants respectfully submit that Hyakutake fails to disclose or suggest a digital broadcast system that includes a receiving device that determines whether contents are restorable based on an information on the type of the contents before performing a restoration process on the contents, and changes the restoration process according to the determination, as recited in independent claim 1.

Applicants respectfully submit that Hyakutake also fails to disclose or suggest a broadcast device that multiplexes and broadcasts contents and information on the type of the contents, where the information on the type of the contents is configured to allow a determination of whether the contents are restorable, as recited in independent claim 2.

It is respectfully submitted that Hyakutake also fails to disclose or suggest a receiving device that determines whether contents are restorable based on information

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on the type of the contents before restoring the contents, and changing a restoration process according to the determination, as recited in independent claim 3.

Applicants respectfully submit that Hyakutake also fails to disclose or suggest a reception program for a receiving device, where the reception program causes the receiving device to perform operations including determining whether contents are restorable based on information on the type of the contents, and changing a process for restoring the contents according to the determination, as recited in independent claim 11.

Applicants respectfully submit that Hyakutake also fails to disclose or suggest a digital broadcast method that includes determining whether contents are restorable based on information on the type of contents before performing a restoration process on the contents, and not performing a restoration process on the contents when the contents are determined not to be restorable, as recited in independent claim 12.

It is submitted that Hyakutake also fails to disclose or suggest a broadcast device that multiplexes and broadcasts information on a location where a program for restoring contents is to be acquired, and a receiving device that determines, before performing a restoration process on the contents, whether the contents are restorable based on information on the type of the contents, and if it determines that the contents are not restorable, acquires the program based on the acquisition location information and performs the restoration process on the contents based upon the program, as recited in independent claims 13 and 15.

Applicants respectfully submit that Hyakutake also fails to disclose or suggest a method for controlling a computer that includes determining whether contents are

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restorable based on information on the type of the contents before performing a restoration process on the contents, and, if it is determined that the contents are not restorable, acquiring a program based on acquisition location information, and performing a restoration process on the contents based upon the program, as recited in independent claim 22.

Applicants respectfully submit that Hyakutake also fails to disclose or suggest a digital broadcast method which includes multiplexing and broadcasting information on a location where a program for restoring contents is to be acquired, determining whether the contents are restorable based on information on the type of contents before performing a restoration process on the contents, and if it is determined that the contents are not restorable, acquiring the program based on the acquisition location information, and performing the restoration process on the contents, as recited in independent claim 24.

For at least these reasons, Applicants respectfully submit that the 35 U.S.C. § 102(e) rejection of independent claims 1-3, 11-13, 15, 22 and 24 is improper, and request withdrawal of the rejection.

Dependent claims 5-8, 10, 14, 16, 23 and 25 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claims 3, 11, 15, 22 and 24.

In the Office Action, the Examiner rejected claims 17-21 under 35 U.S.C. § 102(e) as being anticipated by Ukelson (U.S. Patent No. 6,338,096). Applicants respectfully traverse the rejection for at least the following reasons.

Ukelson is directed towards a micro web server. In the Office Action, the Examiner summarizes Ukelson's invention and cites a majority of the specification, but fails to clearly explain which features of Ukelson's invention he believes to correspond to the features recited in Applicants' claim 17-21. If the Examiner chooses to maintain the rejection, Applicants respectfully request that he clearly point out the specific part of Ukelson's disclosure which he is relying on to support the rejection.

Applicants respectfully submit that Ukelson fails to disclose or suggest a receiving device that includes a restoration device that determines, before attempting to restore contents, whether the contents are restorable based on information on the type of the contents, and when not restorable, performs a restoration process on the contents after acquiring a program based on acquisition location information, as recited in independent claim 17. As noted above, the Examiner has not pointed out where these features are disclosed in the Ukelson reference.

Dependent claims 18-21 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claim 17.

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Hyakutake in view of Broadwin et al. (U.S. Patent No. 6,275,989). Applicants respectfully traverse the rejection for at least the following reasons.

Applicants respectfully submit that Broadwin fails to overcome the deficiencies of Hyakutake. That is, Applicants submit that the combination of Hyakutake and Broadwin fails to disclose or suggest a receiving device that determines whether contents are restorable based on information on the type of the contents before restoring the

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contents, and changes a restoration process according to the determination, as recited in independent claim 3.

Applicants respectfully submit that dependent claim 4 is in condition for allowance for at least the reasons set forth above with respect to independent claim 3.

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Hyakutake in view of Yamaguchi et al. (U.S. Patent No. 6,674,477). Applicants respectfully traverse the rejection for at least the following reasons.

Applicants respectfully submit that Yamaguchi also fails to overcome the deficiencies of Hyakutake. That is, the combination of Hyakutake and Yamaguchi also fails to disclose or suggest a receiving device that determines whether contents are restorable based on information on the type of the contents before restoring the contents, and changes a restoration process according to the determination, as recited in independent claim 3.

Applicants respectfully submit that dependent claim 9 is in condition for allowance for at least the reasons set forth above with respect to independent claim 3.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

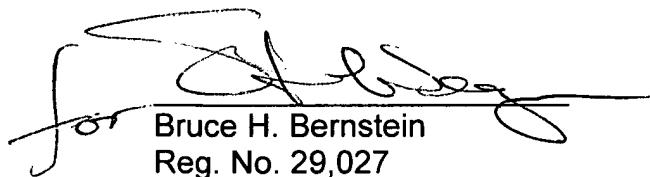
SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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